

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:10-CV-234-H


| | | |
|---------------------|---|-------|
| LANG PRIESTER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| |) | |
| v. |) | ORDER |
| |) | |
| |) | |
| CITIMORTGAGE, INC., |) | |
| |) | |
| Defendant. |) | |
| |) | |

This matter is before the court on defendant's motion to dismiss [DE #2]. Plaintiff instituted this action on February 22, 2010, in the Superior Court of Wake County, North Carolina, and summons was issued by the state court on that date. On November 30, 2010, this court gave plaintiff fifteen days to submit proof that service had been effected upon defendant CitiMortgage, Inc., within the time prescribed by Rule 4(m) or to demonstrate good cause excusing plaintiff's noncompliance. The court warned that failure to do so would result in dismissal of plaintiff's claims.

Plaintiff has not responded to this court's November 30, 2010, order and the time for doing so has expired. Accordingly, defendant's motion [DE #2] is GRANTED and this action is

DISMISSED without prejudice for failure to effect service within the time prescribed by Rule 4(m). The clerk is directed to close the case.

This 4th day of January 2011.


MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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